

At An Audit Meeting /Work Session
Of the Town Board of the Town of Newburgh held
At 1496 Route 300 in said township at 7:00 P.M.
On the 11th day of February, 2004

ROLL CALL: Wayne C. Booth, Supervisor
George A. Woolsey, Councilman
Derek N. Benedict, Councilman
James E. Manley, Councilman
Gilbert J. Piaquadio, Councilman

ALSO PRESENT: Mark C. Taylor, Attorney for the Town of Newburgh
James W. Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Charlene M. Black, Deputy Town Clerk

1. Pledge of Allegiance to the Flag led by Richard Lang, Overdell Lane, Town of Newburgh

2. Additional Items For Discussion From Board Members

13. Traffic Advisory Board

14. Planning Board Interviews

3. Approval of Audit

MOTION was made by Councilman Piaquadio to approve the Audit as presented in the amount of \$477,483.10, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

4. Sewer Moratorium

a. Public Hearing: Proposed Local Law 2004-1 Re: The Sewer Moratorium

Scheduled Date & Time: Wed., February 11, 2004 at 7:00 P.M.

Supervisor Booth asked Mr. Zarutskie, Town Clerk, if all the advertising and postings have been done for this Public Hearing. Mr. Zarutskie said that all the advertising and postings have been done in the proper manner.

MOTION was made by Councilman Woolsey to open the Public Hearing, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

Supervisor Booth explained that tonight we are extending the moratorium in its entirety for one year. The object is to show the Town in good faith with the negotiations with the City of Newburgh. We are presently and actively negotiating with the City of Newburgh, with the hope that this is the final phase. The hopes of the Board, even though we are extending the moratorium, that as soon as we get through the negotiating and the signing of the new contract, we will go into the bidding phase, then construction of the 2 million gallon expansion tank and then we can modify the moratorium. We want to at least give the people a target date. Mark Taylor, Attorney for the Town, explained that this Local Law is essentially the same that was previously enacted except for the date and the period of the moratorium, which is for one year, until February 25, 2005. This version as it has in the past will provide for hardship waivers of single family homes only, with failing septic systems. The other purpose of this Local Law is to prevent the Town from possibly violating its agreement by allowing additional connections.

Ron Hughes / Pampas Lane

The possibility of modifying access, are you talking about the overage that is available on the present 2 million gallons? Supervisor Booth said that it pretty much depends on the weather. There are times when we are over, which are documented and then there times when we are under. We really can not talk extensively until we have contract in hand. Jim Osborne, Town Engineer, explained that in the months of

October, November & December flows we over 2 million gallons. The monthly average was 1.8 gallons.

Richard Lang / Town of Newburgh

In the late 1980's, there was a line put in on 17K / Union Ave to a forced main to New Windsor and was abandoned. Why not reopen it to help relieve the pressure in the northern part of the Town. Why are we, after 3 ½ years at an impasse? There has to be alternatives. We shouldn't be held hostage to the same thing in the future. Supervisor Booth said there are no alternatives at this time. As for the impasse, we feel we have gotten past them this time. There will be safeguards in the new contract so this will not happen again in the future.

Supervisor Booth is cautiously optimistic and he thinks we are in the final stages of negotiations.

Councilman Piaquadio feels the same as Mr. Lang that there has to be alternatives. We need to look at our long term goals. The possibility of building our own plant. Supervisor Booth wants to make sure we have something in place for the next five or ten years.

Councilman Woolsey would like an update of some of the negotiations that were done in the past as far as that transmission line on 17K.

Jim Osborne, Town Engineer, explained that we looked into a connection to New Windsor and we even met with the New Windsor Engineer to discuss what facilities were needed. New Windsor would require us to connect a thirty inch collection pipe, we would have to run approximately 6800 feet down Union Ave. from the pump station. We would be part of the their second expansion, which would require extending the outfall pipe from Moodna Creek to the Hudson River. The project would cost approximately \$10,750,000.00. Depending on how much flow we have to divert, we would have to build a pump station on 17K to send it back. That's as far as we went with this project. The estimated cost was \$1,000,000.00 for the line, \$250,000.00 for the pump station plus we would have to put our part of the \$10,000,000.00 in.

Councilman Manley said we are an outside user with the City of Newburgh but we are also a partner with them. He is also very confident with the negotiations because they have gone this far in the past two years. We have to focus on what is closest at hand.

Mr. Lang feels he only has twenty five per cent of the information and would like to get the rest.

Supervisor Booth explained that Mr. Lang could do a Freedom of Information request and Mr. Osborne would furnish the information.

Mr. Lang said that places like Lowes and the church would probably be willing to help with any rejuvenation of the line instead of having holding tanks. Mr. Lang said he spoke to the Supervisor in New Windsor and he was told that the Town of Newburgh did not approach him regarding usage down there. Mr. Lang said that the Town needs to grow.

Jim Osborne did explain that Lowes approached the Town of New Windsor to work out some kind of deal and they made an economic decision based upon the conditions New Windsor had given them. Mr. Osborne also feels that the Supervisor Concentrating on the City contract is the only reasonable approach in light of the fact that the City acted to terminate our contract. Alternatives should be secondary at this point.

Jerry Ebert / Sentinel asked when the original moratorium was and the effect it has had on building? Mark Taylor, Attorney for the Town, said it started August 10, 2000. Supervisor Booth said the residential building slowed within the sewer district and the commercial areas.

MOTION was made by Councilman Manley to close the Public Hearing at 7:33 P.M., seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

b. SEQR: The Sewer Moratorium

This is resolution of SEQR Designation and Determination – Local Law 1 of 2004, Further Extending the Moratorium on Sewer Connections imposed and extended by Local Law #4, 2000, Local Law #6, 2001, Local Law # 7, 2001, Local Law # 1, 2002, Local Law # 6, 2002 and Local Law # 2, 2003 in the Town of Newburgh.

MOTION was made by Councilman Manley to adopt the Resolution as presented, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

c. Resolution of Adoption: Local Law 2004-1, Sewer Moratorium Extension

MOTION was made by Councilman Woolsey to adopt the Resolution as presented adopting Local Law #1 of 2004, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

5. Accounting: 2003 Budget Transfers

See attached memo from Jackie Calarco, Town Accountant. These transfers need to be done so the final report can be sent to the State Comptroller. All these transfers are within the budget of 2003.

MOTION was made by Councilman Manley to approve the attached transfers, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

6. Assessor: Newburgh Association/ Holiday Inn Certiorari Settlement

Supervisor Booth explained how this came up at the last meeting. Everyone has had a chance to talk to Michael Fogarty, Assessor, about the settlement between Newburgh Association / Holiday Inn and the Town of Newburgh. This settlement covers the tax assessment years of: 1999-2000, 2000-2001, 2001-2002, 2002-2003. The total amount is \$9,664.24.

MOTION was made by Councilman Woolsey to approve the settlement with Newburgh Association / Holiday Inn in the amount of \$9,664.24, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

7. Master Plan: Consultant Fees to Private Firms

Jim Osborne, Town Engineer, explained he has been approached by prospective developers and we have had to stop and consult Saccardi & Schiff, Inc., our Master Plan Consultants, on what those particular requests might be. This is outside the scope of their agreement with the Town. What they would like to do is when a developer comes in and asks for a zoning change or a consultation and the Board wants Saccardi & Schiff to sit on it or makes recommendations, they would like to set up an escrow account similar to the Planning Board and these consults would be paid by the developer. We would have to initially set up the escrow fee on a voluntary basis until we can modify the fee schedule to accommodate it similar to the Planning Board. The last change of the schedule of fees we implemented a \$200.00 fee, this just covers the administrative costs in respect to the changes in the zoning law. That obviously comes no where near to the potential consultant cost that the Board might incur seeking expert opinions. Obviously it is the Board's decision to entertain that request and bring a consultant in. If someone calls Saccardi & Schiff, they will not turn around and charge the Town until they have the go ahead from the Board. Councilman Woolsey feels developers should come to the Board first and it is at the discretion of the Board whether or not to bring in Saccardi & Schiff. By the February 25, 2004 meeting, Mark Taylor, Attorney for the Town, will come up with some kind of control mechanism to put in place.

8. Police**a. Purchase of Video Systems**

This is a request from Chief Kehoe to purchase five Decatur refurbished Gemini Hi-8 video systems. The cost of these systems will be \$9,575.00 and the funds are available in the police equipment bond fund. There were three quotes with Decatur Electronics, 715 Bright Street, Decatur, IL who came in lowest at \$9,575.00. These units are removable. The second low bid was from Safety League, New Cumberland, PA at \$20,975.00 and the third from Galls Inc., Lexington, KY at \$22,499.95.

MOTION was made by Councilman Benedict to approve the purchase of five Decatur Electronic refurbished Gemini Hi-8 video systems at a cost of \$9,575.00 from Decatur Electronics of Decatur, IL, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – nay; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-1.

b. Secretary to the Police Chief

This is a request from Chief Kehoe to have his secretary Diane Bishop's position reclassified. Her title now is Senior Clerk Typist and will become Secretary to the Police Chief. This would be a promotional change. This change was entered into the 2004 budget. Diane was originally hired in 1983 and then promoted to the position she presently has in 1989. She does the clerical work, payroll and purchasing. We looked at New Windsor and modeled this after them. Her duties fit very well with this new title. Her salary would increase to \$30,143.00 per year. Councilman Woolsey wanted to know how this compares to the CSEA position. Supervisor Booth said with similar time, CSEA is \$30,300.00. Councilman Woolsey said this still doesn't bring all the way up. Supervisor Booth said its closer and this is what we budgeted for. Councilman Woolsey would like her brought up to the \$30,300.00 CSEA salary. The Board all stated that this is fair.

MOTION was made by Councilman Woolsey to reclassify Diane Bishop's title to Secretary to the Police Chief at a salary of \$30,300.00 effective Thursday February 18, 2004, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

c. Schedule Bid Date for Sirens & Emergency Equipment

This is a request from Chief Kehoe to go out to bid for the purchase of lights, sirens and emergency equipment for the five vehicles that were just ordered. Mr. Zarutskie, Town Clerk, asked the Chief if February 18, 2004 was early enough to put in the ad to the Sentinel and February 20, 2004 for the Mid Hudson Times and a bid opening of March 3, 2004 at 2:00 P.M. The Chief agreed with this arrangement.

MOTION was made by Councilman Manley to go to bid for the purchase of lights, sirens and emergency equipment as outlined above, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

9. Town Clerk: Newburgh Enlarged School District Request to Utilize Voting Machines for School Board Elections

This is a request from Andrew Zarutskie, Town Clerk, to approve the loan of eight voting machines to the Newburgh School Board for their election on May 18th, 2004. Our machine custodians will be working for the School District and will be paid by the School District.

MOTION was made by Councilman Manley to approve the loan of eight voting machines for the Newburgh School Board Elections on May 18th, 2004, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

10. Recreation:**a. Request to Hire Part Time Employee**

This is a request from Gary MacEntee, Recreation Director, to hire James Hutlock as

a part time Recreation Leader at a starting salary of \$10.00 per hour. His background check has been approved by Roseanne Smith, Administrative Assistant, but he has not completed his pre employment physical or paperwork. Roseanne Smith will determine his starting date upon completion of paperwork / physical.

MOTION was made by Councilman Benedict to approve the hire of James Hutlock as a part time Recreation Leader at a starting salary of \$10.00 per hour and a starting date to be determined by Roseanne Smith, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

b. Award Contract to Print Recreation Brochure

This is a request from Gary MacEntee, Recreation Director, to accept the bid from Graphic Image, 561 Boston Rd., Milford, Ct., as our 2004 brochure printer in the amount of \$2770.00 for 24 pages, \$3145.00 for 28 pages and \$3485.00 for 32 pages. There were two other bidders Walden Merchants, Montgomery, NY for 24 pages \$3931.00, 28 pages \$4338.00 and 32 pages \$4546.00 and Southern Dutchess News, Wappingers Falls, NY 28 pages \$4198.00, 28 pages \$4365.00 and 32 pages \$4506.00. Next year Gary would like to make one publication (brochure) for the whole year. MOTION was made by Councilman Piaquadio to accept the low bidder, Graphic Image of Milford, Ct. at the prices described above, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

11. Handbook Policy: Delayed Opening / Early Dismissal

Supervisor Booth explained how this came up before and was put aside. Mark Taylor, Attorney for the Town and Supervisor Booth came up with the attached Code White / Early Dismissal Policy. This is similar to what West Point uses. There has been conflict and we need to eliminate this. Essential personnel needs to be here and non essential need to use whatever time. This policy will give the employee the option of how to use their time. Essential personnel needs to be addressed as to who is essential and who is not. Councilman Benedict is not in favor of employees using sick time. Supervisor Booth explained that if the employee has no time that is their problem. The Board is in favor of implementing this policy as soon as possible. Mark Taylor, Attorney for the Town, will fix the language in the policy and bring it back to the Board to implement this in the handbook. As soon as Mark revises the wording, it will be put into the employees' handbook.

MOTION was made by Councilman Woolsey to implement the Delayed Opening / Early Dismissal for our handbook at the discretion of the attorney's language, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – abstain; Mr. Booth – aye. Motion passed 4-0-1 abstention.

12. Zoning Board of Appeals: Waiver of Fee

This is a request from Theresa Kenny, 1154 Union Ave. They are in need of a handicap ramp. Apparently this needs a variance because of set backs. She went to Mr. Zarutskie and explained how Mrs. Kenny really can not afford this fee because they are on a fixed income. She is appealing to the Board to waive the fee since it would be a hardship for them. This Board has the sole authority to waive this fee. Fees have been waived before for similar situations. Councilman Benedict asked if this would set a precedent if we did this? Councilman Woolsey said it would. Councilman Piaquadio asked if we could exempt wheelchair ramps to the ZBA? Mark Taylor, Attorney for the Town, said we may have done it in the past, there is no authority in our code for waivers, so we would be setting precedent. Mark Taylor said we could exempt wheelchairs by amending the Zoning. Mark Taylor, Attorney for the Town, was asked to draft an amendment exempting wheelchair ramps from the set back requirements and bring it back to the Board for approval. Please ask the applicant to wait until this comes into effect.

13. Traffic Advisory Board

Jim Osborne, Town Engineer, explained what had happened at their meeting. The Chief and Lt. John Mahoney were present to discuss the proposal from Rocky Heights / Hickory Shadow subdivision for the relocation of Merritt Lane. Both the Chief and Lt. Mahoney thought the relocation was an excellent idea because of the increase of sight distance at the intersection. There is one concern. There is a remaining lot that still has frontage on Merritt Lane. If we approve the relocation we want to impose a condition on that lot, that there will no driveway access out to Lattintown Road. The next thing we need to do is sit down with the attorney and come back with a proposal on a agreement for the procedure suggesting that we approve one subdivision to allow the road to be built and then proceed with the abandonment. We need from the Highway Superintendent and Jim, who will do the financing or who is responsible for the improvements to the remaining Merritt Lane. This applicant has shown a different road profile along Merritt Lane. Some of the new road profile is above the existing road and needs fill, some is below the existing road and needs cuts. Who pays for these upgrades? Councilman Woolsey said we should sit down with the developer because he feels there might be funds available or agreed upon.

14. Planning Board Interviews

Councilman Piaquadio asked for this to be brought up. He was hoping that we could schedule interviews on the 25th of this month, starting at 4:00 P.M. until our regular meeting, with interviews being ten minutes each. The second date could be March 1st, 2004, starting at 4:00 P.M., with interviews being ten minutes each, this would be before our regular meeting. We need to stay on schedule and keep these interviews at ten minutes each. If need be, we can recall applicants that we would like to ask further questions. Mr. Zarutskie, Town Clerk, was asked to schedule the interviews. The meeting will be advertised because it's considered a special meeting so the public will know about it. The public can come and observe.

MOTION was made by Councilman Piaquadio to adjourn the Audit Meeting / Work Session of February 11, 2004 at 8:54 P.M., seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; MR. Booth – aye. Motion passed 5-0

Andrew J. Zarutskie, Town Clerk

by

Charlene M. Black, Deputy Town Clerk